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STATE OF NEW JERSEY  
DEPARTMENT OF LAW & PUBLIC SAFETY  
DIVISION OF CONSUMER AFFAIRS  
STATE BOARD OF NURSING

IN THE MATTER OF THE LICENSE OF	:	Administrative Action
	:	
	:	
	:	
BERTRAND A. MORRISON, LPN	:	
License # 26NP06386500	:	FINAL ORDER
	:	OF DISCIPLINE
	:	
TO PRACTICE NURSING IN THE	:	
STATE OF NEW JERSEY	:	

This matter was opened to the New Jersey State Board of Nursing (the "Board") upon receipt of information which the Board has reviewed and upon which the following findings of fact and conclusions of law are made:

### FINDINGS OF FACT

1. Bertrand A. Morrison ("Respondent") is a Licensed Practical Nurse in the State of New Jersey and has been a licensee at all times relevant hereto.

2. On or about April 28, 2014, Respondent completed and submitted an online biennial renewal application which asked whether Respondent would have "completed the required continuing education credits by May 31, 2014," referring to the biennial renewal period of June 1, 2012 to May 31, 2014. Respondent was also asked whether he completed the one hour course on Organ and Tissue Donation. Respondent answered "Yes" to both questions and certified the answers by submitting the online application.

3. Upon receipt of information indicating that Respondent was arrested on August 17, 2014 by the Burlington Township Police Department for violation of N.J.S.A. 2C:12-1A (Simple Assault), the Board sent a letter of inquiry requesting certain information and documents regarding the criminal matter, Respondent's nursing practice, and continuing education to Respondent's address in East Windsor, New Jersey, via regular and certified mail on or about September 12, 2014. The

certified mailing was returned as "Unclaimed." The regular mailing was not returned.

4. To date, Respondent has not replied to the Board's request for information.

#### CONCLUSIONS OF LAW

Respondent's failure to respond to the Board's request for information constitutes a failure to cooperate with a Board investigation, in contravention of N.J.A.C. 13:45C-1.2 and 1.3, which the Board deems professional misconduct pursuant to N.J.S.A. 45:1-21(e) and also subjects Respondent to disciplinary action pursuant to N.J.S.A. 45:1-21(h).

Pursuant to N.J.A.C. 13:37-5.3(b), nurses are required to complete a minimum of thirty (30) hours of continuing education during the preceding biennial period in order to renew their licenses. Pursuant to N.J.A.C. 13:37-5.3(f), nurses are required to maintain documentation of completion of continuing education for a period of four years after completion, and shall submit such documentation to the Board upon request.

By virtue of having failed to fully respond to the letter of inquiry, Respondent is deemed to have failed to demonstrate, to the satisfaction of the Board, that Respondent completed the continuing education credits required for renewal during the biennial period of June 1, 2012 to May 31, 2014. The Board

therefore finds Respondent in violation of N.J.A.C. 13:37-5.3(b) and 13:37-5.3(f), which in turn subjects Respondent to sanctions pursuant to N.J.S.A. 45:1-21(e) and (h).

Respondent's use of dishonesty and misrepresentation during the license renewal process in falsifying his continuing education information constitutes a violation of N.J.S.A. 45:1-21(b), subjecting Respondent to sanctions.

### DISCUSSION

A Provisional Order of Discipline (POD) was filed on July 16, 2015 based upon Mr. Morrison's failure to respond to the Board's letter of inquiry about his August 2014 arrest for simple assault and failure to complete and provide documentation of continuing education. The POD sought a reprimand, \$750 civil penalty, and a suspension until Mr. Morrison fully responds to the Board's inquiry and demonstrates completion of all required continuing education to date.

Mr. Morrison responded to the POD and provided all information requested in the Board's letter of inquiry. The criminal matter was dismissed in November 2014 and involved a domestic incident between Mr. Morrison and his wife. Their divorce is pending. Mr. Morrison maintains that he did not receive the Board's letter of inquiry because his wife was residing in the home and he was staying elsewhere. Mr. Morrison

failed to provide the Board with updated addresses where he could receive mail from the Board. Pursuant to Board regulation at N.J.A.C. 13:37-5.7, the Board can rely on service to the licensee's address of record and licensees must update the Board with any change of address within 30 days of any change. It was Mr. Morrison's responsibility to ensure the Board had an address where he could receive mail from the Board.

Regarding continuing education, Mr. Morrison has provided proof of completion of the following continuing education:

0 hours within June 1, 2012 - May 31, 2014;  
46 hours within June 1, 2014 - May 31, 2016.

Mr. Morrison can apply 30 of the hours recently completed to cure the deficiency of the previous biennial period.

The Board determined that the submitted materials warrant modification of the POD to eliminate the suspension, but maintain the reprimand and civil penalties totaling \$750, consisting of a \$500 penalty for failure to cooperate with a Board investigation and a \$250 penalty for failure to timely complete continuing education. The Board should not have to expend resources to file a POD in order to have Respondent update his address and respond to Board inquiries.

ACCORDINGLY, IT IS on this 22<sup>nd</sup> day of March, 2016,

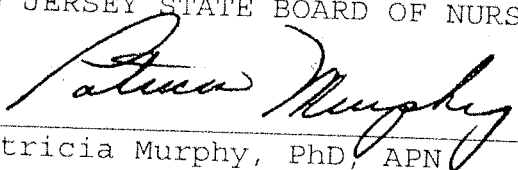
ORDERED that:

1. A reprimand is imposed on Respondent for falsifying the continuing education information on his license renewal application.

2. Respondent is assessed a civil penalty in the amount of seven hundred and fifty dollars (\$750). Said penalty is an aggregate penalty, which includes a penalty in the amount of five hundred dollars (\$500) for failure to cooperate with a Board investigation and a penalty in the amount of two hundred and fifty dollars (\$250) for failing to timely complete required continuing education. Payment shall be made by certified check, bank cashier check, or money order payable to "State of New Jersey," or by wire transfer, direct deposit, or credit card payment delivered or mailed to State Board of Nursing, Attention: Leslie Burgos, P.O. Box 45010, Newark, New Jersey 07101. Any other form of payment shall be rejected and shall be returned to the party making the payment. Payment shall be made no later than fifteen (15) days after the date of filing of a **Final Order of Discipline**. In the event Respondent fails to make a timely payment, a certificate of debt shall be filed in accordance with N.J.S.A. 45:1-24 and the Board may bring such other proceedings as authorized by law.

NEW JERSEY STATE BOARD OF NURSING

By:

  
Patricia Murphy, PhD, APN  
President